

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 05-40025-FDS

UNITED STATES OF AMERICA

V.

MATTHEW MARSH

**JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A) REGARDING
STATUS CONFERENCE BEFORE MAGISTRATE-JUDGE**

Now come the defendants and the United States through the undersigned attorneys and jointly file this memorandum to address the issues set forth in District of Massachusetts Local Rule 116.5(A) as follows:

1. None of the parties request relief from the timing requirements at this time;
2. The defendants require additional time to determine whether additional items will be requested in discovery and whether any discovery is owed to the government;
3. Defendant is reviewing discovery provided and is not yet in a position to determine whether substantive motions, as defined by Fed. R. Crim. P. 12(c), will be filed;
4. The parties agree that a prior Order of the Court excluded the time from arraignment until November 8, 2005. The parties further agree that the government provided automatic discovery;
5. Negotiations to resolve the case short of trial are ongoing. Trial if necessary, is anticipated to take one-two weeks.
6. The parties request that a Status Conference be scheduled for November 28, 2005 at 11:00 a.m.

The parties agree that the time period commencing November 9, 2005 and ending at the next scheduled Status Conference is excludable from calculation under the Speedy Trial Act to allow defendants to review discovery, develop plan, and consider whether substantive motion should be filed.

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